IN THE HIGH COURT OF JUDICATURE AT BILASPUR: (C.G.).

WRIT PETITION NO. 3287/2003

PETITIONER: Smt. Shakuntala Nirala,
W/o Shri G.R. Nirala, aged 30 years,
Working as Asst. Teacher and
In-charge Ashram Superintendent,
Tribal Kanya Ashram, Gharipakhna,
Block : Podi Uprooda, Dist. Korba (C.G)

P. R. No. 31/12/03
Presented by Shri Sameer Behar
dated 10/10/03

- Versus -

RESPONDENTS:

1). State of Chhattisgarh
Through: The Secretary,
Department of Scheduled castes
& Scheduled Tribes Development,
Mantralaya, D.K.S. Building,
Raipur (C.G.).

2). The Director, Directorate of
Scheduled Castes and Scheduled
Tribes Development, Raipur (C.G)

3). Assistant Director,
Tribal Development, Korba,
Distt. Korba (C.G.).

RECEIVED COPY
10/10/03
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA.

1). Particulars of the petitioner: -

As per cause title.

(33)

(31)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3287/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28-11-2003 Shri Prashant Mishra, counsel for the petitioner. Miss Sharmila Singhai, Deputy Government Advocate takes notice for respondents. By this petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks to challenge the transfer order Annexure-P/1 dated 21-8-2003 by which she has been transferred from the Office of Ashram Superintendent, Gharipakhna to Government Higher Secondary School, Manendragarh. The petitioner is working as an Assistant Teacher and was appointed on that post on 29-6-1993 and in the present place of posting the petitioner is working since 20-12-1995. The petitioner's husband Shri G.R. Nirala is working as General Majdoor/Piece Rated Loader in SECL and presently posted at Singhari Project situated at a distance of 11 kms. from Bharipakhna. The petitioner's father-in-law Shri Sadhuram Nirala is a patient of acute paralysis and he was also an employee of SECL. It is submitted that in the impugned transfer order no other person has been brought in to the Ashram as Ashram Superintendent, Gharipakhna. The petitioner has two daughters namely, Dhanshri, aged about 5 years and Somashri, aged about 9 months and on account of this transfer it will be very difficult for the petitioner to manage the affairs of her family while serving at Manendragarh. Normally the Assistant Teacher is not	

[पीछे देखिये

XI-HC-22

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

transferred out of the district, as the seniority list of the Assistant Teachers is maintained at district level.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner submits that the petitioner's husband is working at Singhari Project which is 11 kms. away from the present place of posting of the petitioner and the petitioner has two small children and ailing father-in-law and if she joins at Manendragarh then it will be very difficult for her to manage her family affairs. Moreover, being an Assistant Teacher she should not have been transferred out of the district as the seniority list of the Assistant teachers is maintained at district level. He further submits that the petitioner may be allowed to make a detailed representation raising all her grievances to which the learned counsel for respondents has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all her grievances to the respondent no.2 within a period of 10 days from today and in turn, respondent no. 2 will decide the representation of the petitioner within a period of 30 days from the date of receipt of the representation considering all the grievance of the petitioner and shall pass a reasoned order in an objective manner.

If the petitioner is not relieved from the present place of posting, then she may be allowed to continue in present place of posting till the representation is decided.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

आदेश पत्रक

मामला क्रमांक WP 3287/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barwe	With the aforesaid observations and directions, this writ petition is disposed of. Consequently, M.(W.)P. No. 2998/2003 and I.A. No. 9629/2003 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	